THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P.Nos.20952, 20935, 20955, 20978, 21005, 21007 and 21031 of 2007

Date:08-10-2007

W.P.No.20952 of 2007:

Between:

Kolanu Ramakrishna Reddy and another

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PETITIONERS

AND

The Secretary to Govt. of A.P., Dept. of Revenue, Hyderabad and others

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RESPONDENTS

W.P.No.20935 of 2007:

Between:

A.Bhanu Rekha

.. PETITIONER

AND

The Secretary to Govt. of A.P., Dept. of Revenue, Hyderabad and others

..

RESPONDENTS

W.P.No.20955 of 2007:

Between:

A.Vindyavalli

.. PETITIONER

AND

The Secretary to Govt. of A.P., Dept. of Revenue, Hyderabad and others

..

RESPONDENTS

W.P.No.20978 of 2007:

Between:

M/s. Srinvias Assoicates (Project Work) Ltd. rep. By its Director Sri A.Prabhakar Reddy

.. PETITIONER

AND

The Secretary to Govt. of A.P., Dept. of Revenue, Hyderabad and others

..

RESPONDENTS

W.P.No.21005 of 2007:

Between:

A.Vindyavalli and another

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PETITIONERS

AND

The Secretary to Govt. of A.P., Dept. of Revenue, Hyderabad and others

..

RESPONDENTS

W.P.No.21007 of 2007:

Between:

A.Shanker Reddy

.. PETITIONER

AND

The Secretary to Govt. of A.P., Dept. of Revenue, Hyderabad and others

..

RESPONDENTS

W.P.No.21031 of 2007:

Between:

Kum.Himabindu

.. PETITIONER

AND

The Secretary to Govt. of A.P., Dept. of Revenue, Hyderabad and others

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RESPONDENTS

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COMMON ORDER:

As common question involves in all these writ petitions, they are being disposed of by way of a common order.

The petitioners seek a writ of mandamus to declare the action of the respondent No.4 in delivering paper possession to the respondent No.5 on 10.08.2007 without putting the petitioners on notice and without passing final orders on the pending files before the respondent Nos.1 and 3 in file bearing Memo No.60502/ASSN.V(1)2005-1, dated 23.12.2005 and B/4374/05 respectively pertaining to the land admeasuring Ac.3.00 guntas in Sy.Nos.39 and 40 of Bachupalli village, Quthubulapur Tahsil, Ranga Reddy District, as illegal and arbitrary and consequently to set aside all the proceedings issued thereto while awarding exemplary costs.

It is the case of the petitioners that all of them have purchased small extents of lands in Sy.Nos.39 and 40 of Bachupalli village of Qutubullapur mandal, Ranga Reddy District and when they

approached for mutation of their names in the revenue records, proceedings have been initiated under A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 (for short 'the Act') by issuing show cause notices, dated 18.08.2005 under Rule 3 of A.P.Assigned Lands (Prohibition of Trasnfer) Rules, 1977 (for short 'the Rules') calling upon the petitioners as to why the said lands shall not be resumed by evicting them for contravening the provisions of Section 3(2) and 3 of the Act, for which the petitioners have made a representation, dated 24.10.2005 to regularize their possession and as no orders have been passed on their representation, dated 24.10.2007, the petitioners filed W.P.No.23332 of 2005 and batch and W.P.No.27254 of 2005 and batch which were disposed of by orders, dated 28.10.2005 and 22.12.2005 to consider and dispose of their representation, dated 24.10.2005 and as against the resumption orders, they have filed appeals and this Court directed the appellate authority to dispose of the appeals within four weeks from the date of receipt of a copy of the order.

It is stated that the appeals are pending and even before disposal of the appeals, the petitioners are sought to be dispossessed and a paper panchanama has been conducted on 10.08.2007 handing over the same in favour of A.P. Housing Board. Questioning the said panchanama, dated 10.08.2007, these writ petitions have been filed seeking writ of mandamus to declare the action of the respondents in dispossessing them pending disposal of the appeals pending before the Revenue Divisional Officer.

The brief facts that give rise to the controversy involved in these writ petitions is that certain extents of lands were assigned in favour of landless poor during the year 1979-80 and their names have been recorded in the revenue records in the year 1991-92, but the said

assignees have transferred the said lands in favour of the purchasers viz. Mohd. Abdul Sattar and M.H. Sohail and they have formed into a partnership firm as APR Associates. It is stated that APR Associates fenced the above said lands purchased by them. It is stated that the said lands are assigned lands which have been transferred in violation of the provisions of Section 3(2) and 3 of the Act and accordingly notices have been issued to the assignees vide proceedings No.A/3511/05 for which replies have been submitted. It is stated that final orders have been passed on 15.12.2005 against which appeals have been filed before the Revenue Divisional Officer and they are pending in file No.B/4374/05 and initially stay was granted up to 31.12.2005 and thereafter the stay has not been extended.

While so, the Collector, Ranga Reddy District passed proceedings No. E1/480/05, dated 09.08.2007 directing to hand over advance possession of resumed land to an extent of Ac.12.00 guntas in Sy.No.39 and Ac.13.20 guntas in Sy.No.40 situated at Bachupally village to A.P. Housing Board pending alienation proposals and advance possession was given by the impugned panchanama, dated 10.08.2007.

Admittedly, the appeals are pending before the Revenue Divisional Officer and the case is posted to 15.10.2007. The limited grievance of the petitioners is that pending disposal of the appeals, the respondents are threatening to dispossess them.

Without expressing anything about merits of the case, I am of the opinion that there is no justification on the part of the third respondent/Revenue Divisional Officer in keeping the appeal pending for a long period.

Having regard to the facts of the case, the third respondent is directed to consider and dispose of the appeal without any further

delay and pending disposal of the appeal in Proceedings No.B/4374/05, status-quo with regard to the possession obtained as on today shall be maintained.

With the aforesaid directions, all the writ petitions are disposed of. No costs.

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V.ESWARAIAH, J.

Date:08.10.2007

Note:

Furnish C.C. by 09.10.2007.

B/O

ccm